

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Markus Pompejus, *et al.*

Serial No.: 09/604,231

Filed: June 27, 2000

For: *"Corynebacterium Glutamicum Genes Encoding
Phosphoenolpyruvate: Sugar Phosphotransferase
System Proteins"*

Attorney Docket No.: BGI-122CP

Group Art Unit: 1645

Examiner:

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

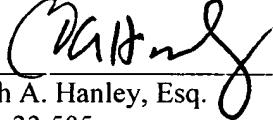
Certificate of First Class Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

October 3, 2000

Date of Signature and of Mail Deposit

By:


Elizabeth A. Hanley, Esq.
Reg. No. 33,505
Attorney for Applicants

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

Dear Sir:

Responsive to the Notice to File Missing Parts of Nonprovisional Application dated August 3, 2000, Applicants submit herewith the executed Declaration, Petition and Power of Attorney for Patent Application for the above-identified patent application. A check in the amount of \$2,772.00 is enclosed to cover the total amount owed by Applicants, including \$130.00 surcharge, \$710.00 basic filing fee, \$1,662.00 additional claim fee, and \$270.00 multiple dependent claim fee, based on large entity status. A copy of the Formalities Letter is also enclosed.

Applicants' attorney notes that the claim fee calculation in the Formalities Letter is incorrect. We calculate **39** total claims over 20, and **12** independent claims over 3. The Formalities Letter also omits the \$270.00 multiple dependent claim charge.

The Commissioner is hereby authorized to charge payment of any fees under 37 C.F.R. 1.16 and 1.17 during the pendency of this application or credit any overpayment to Deposit Account No. 12-0080.

Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. A duplicate of this letter is enclosed.

Respectfully submitted,


Elizabeth A. Hanley, Esq.
Registration No. 33,505
Attorney for Applicants

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, MA 02109
Tel. (617) 227-7400

Dated: October 3, 2000



Attorney Docket No.: BGI-122CP

115

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Markus Pompejus, *et al.*

Serial No.: 09/604,231

Filed: June 27, 2000

For: "Corynebacterium Glutamicum Genes Encoding
Phosphoenolpyruvate: Sugar Phosphotransferase
System Proteins"

Attorney Docket No.: BGI-122CP

Group Art Unit: 1645

Examiner: Not Assigned

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR CORRECTION OF FILING RECEIPT

Dear Sir:

The Filing Receipt for the above-identified patent application incorrectly spells a word in the name of the application as "Corynerbacterium" instead of --Corynebacterium--. Also, there should be a colon after the word "phosphoenolpyruvate:". A copy of the Filing Receipt with the changes noted thereon is submitted herewith. A corrected Filing Receipt (PTO-103P) is respectfully requested.

Certificate of First Class Mailing 37 CFR 1.8(a)

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231 on:

October 3, 2000

Date

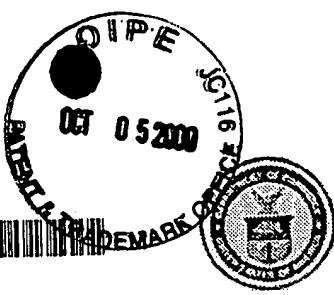
Elizabeth A. Hanley, Esq., Reg. No. 33,505

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

(OGH)

Elizabeth A. Hanley, Esq.
Reg. No. 33,505
Attorney for Applicants
28 State Street
Boston, MA 02109
Tel. (617) 227-7400


FILING RECEIPT

Barcode
OC00000005295215

**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: ASSISTANT SECRETARY AND
COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/604,231	06/27/2000	1645	0	BGI-122CP	-	52	15

000959
LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

Date Mailed: 08/03/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Markus Pompejus, Freinsheim, GERMANY;
Burkhard Kroger, Limburgerhof, GERMANY;
Hartwig Schroder, Nussloch, GERMANY;
Oskar Zelder, Speyer, GERMANY;
Gregor Haberhauer, Limburgerhof, GERMANY;

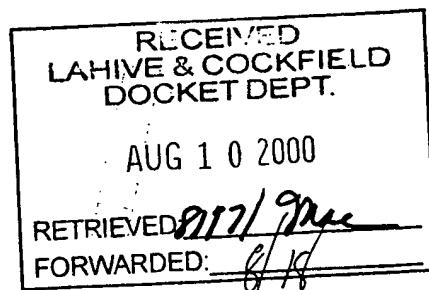
Continuing Data as Claimed by Applicant

THIS APPLN CLAIMS BENEFIT OF 60/142,691 07/01/1999
WHICH CLAIMS BENEFIT OF 60/150,310 08/23/1999

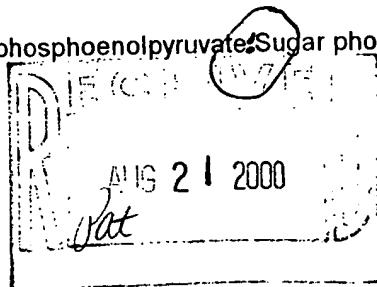
Foreign Applications

GERMANY 19942095.5 03/09/1999
GERMANY 19942097.1 03/09/1999

If Required, Foreign Filing License Granted 08/03/2000


Title

Corynebacterium glutamicum genes encoding phosphoenolpyruvate/Sugar phosphotransferase system proteins

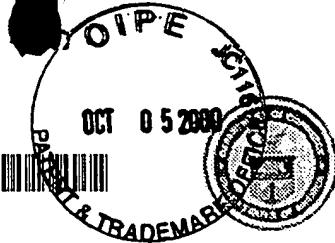
Preliminary Class


JF

FORMALITIES LETTER



OC00000005295216

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/604,231	06/27/2000	Markus Pompejus	BGI-122CP

000959
 LAHIVE & COCKFIELD
 28 STATE STREET
 BOSTON, MA 02109

Date Mailed: 08/03/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1512.
 - \$576 for 32 total claims over 20.
 - \$936 for 12 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 2332.**

*A copy of this notice **MUST** be returned with the reply.*

 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

10/10/2000 ETULU1 0000010 09604231

01 FC:101	710.00 0P
02 FC:105	130.00 0P
03 FC:103	702.00 0P
04 FC:102	960.00 0P
05 FC:104	270.00 0P

LAHIVE
&
COCKFIELD

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1780
TELEPHONE (617) 227-7400
FAX (617) 742-4214
lc@lahcoc.com

U.S. PATENT & TRADEMARK OFFICE
OCT 05 2000

JOHN A. LAHIVE, JR. (1928-1997)
THOMAS V. SMURZYNSKI
RALPH A. LOREN
GIULIO A. DeCONTI, JR.
ELIZABETH A. HANLEY
ADM BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
JAMES E. REMILLARD
JEANNE M. DIGIORGIO
DEBRA J. MILASINCIC, Ph.D.
NICHOLAS P. TRIANO, III
WILLIAM D. DeVaul

CHI SUK KIM
DAVID J. RIKKERS
DAVID R. BURNS
JOHN S. CURRAN
SEAN D. DETWEILER
ADAM M. GOODMAN
SENIOR COUNSEL
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
WILLIAM A. SCOFIELD, JR.
PETER C. LAURO *
DeANN FORAN SMITH**

* Admitted in NY only
** Admitted in MI only
*** Passed the Patent Bar Examination

~~Section 4~~
PATENT AGENTS
MEGAN E. WILLIAMS, Ph.D.

TECHNICAL SPECIALISTS
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.***
CYNTHIA M. SOROS
PETER W. DINI, Ph.D.
LAUREN C. FOSTER, D.Sc.
EUIHOON LEE
ERICK B. BERGLUND, Ph.D.
LISA M. DIROCCO
JENNIFER K. ROSENFIELD
JUDITH STONE-HULSLANDER, Ph.D.
PETER S. STECHER
ALLAN TAMESHTIT
CATHERINE E. MCPHERSON
RICHIA NAND

October 3, 2000

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/604,231
Filed: June 27, 2000
Entitled: *Corynebacterium Glutamicum Genes Encoding Phosphoenolpyruvate: Sugar Phosphotransferase System Proteins*
Inventors: Markus Pompejus, *et al.*
Our Reference No. BGI-122CP

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Notice To File Missing Parts of Nonprovisional Application (in duplicate);
2. Executed Declaration, Petition and Power of Attorney for Patent Application;
3. Copy of Formalities Letter;
4. Check for \$2,772.00 (including \$710 filing fee, \$1,662 extra claim fee, \$270 multiple dependent claim fee, and \$130 surcharge);
5. Request for Correction of Filing Receipt;
6. Copy of Filing Receipt with marked-up corrections; and
7. Return postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box Missing Parts, Washington, D.C. 20231 on:

October 3, 2000

Date

Elizabeth A. Hanley, Esq., Reg. No. 33,505

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

CH
Elizabeth A. Hanley, Esq.
Reg. No. 33,505